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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-889

12 **LOURDES ROSADO**
2301 S. Mopac Expwy, # 537
13 Austin, TX 78746

A C C U S A T I O N

14 **Registered Nurse License No. 655107**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
20 Department of Consumer Affairs.

21 2. On or about March 25, 2005, the Board issued Registered Nurse License Number
22 655107 to Lourdes Rosado (Respondent). The Registered Nurse License was in full force and
23 effect at all times relevant to the charges brought herein and will expire on March 31, 2013,
24 unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

1 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
2 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
3 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
5 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
6 to render a decision imposing discipline on the license.

7 6. Code section 2811, subdivision (b), provides, in pertinent part, that the Board may
8 renew an expired license at any time within eight years after the expiration.

9 STATUTORY PROVISIONS

10 7. Code section 2761 states:

11 "The board may take disciplinary action against a certified or licensed nurse or deny an
12 application for a certificate or license for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 "...

15 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
16 against a health care professional license or certificate by another state or territory of the United
17 States, by any other government agency, or by another California health care professional
18 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
19 action.

20 "..."

21 COST RECOVERY

22 8. Code section 125.3 provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
26 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
27 included in a stipulated settlement.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Out of State Discipline)

3 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), in that on or about January 19, 2012, in a disciplinary action before the Texas Board of
5 Nursing, in the matter of Registered Nurse License Number 681908, Respondent was issued a
6 warning with stipulations. The disciplinary action arose from Respondent's conduct on or about
7 June 16, 2010 when she engaged in the intemperate use of alcohol and produced a positive
8 breathalyzer test while working at Children's Medical Center in Dallas, Texas.

9 DISCIPLINARY CONSIDERATIONS

10 10. To determine the degree of discipline, if any, to be imposed on Respondent,
11 Complainant alleges that on or about October 18, 2004, in the State of Texas, County Court of
12 Fall County, Texas, in Cause Number 04-6347, Respondent was convicted of violating Texas
13 Penal Code section 49.04 (driving while intoxicated). Respondent was placed on twelve months
14 probation. The conviction arose from Respondent's arrest on or about September 5, 2004, after
15 an officer pulled her over for following too closely and detected an odor of alcoholic beverage.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 655107, issued to
20 Lourdes Rosado;

21 2. Ordering Lourdes Rosado to pay the Board of Registered Nursing the reasonable
22 costs of the investigation and enforcement of this case, pursuant to Business and Professions
23 Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: APRIL 8, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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